

Re: Fw: Extension of PCB Storage Requirements (Port Heiden)



Dave Bartus to: Jacques Gusmano, Scott Downey

09/16/2010 12:33 PM

Cc: Daniel Duncan

Thanks for the update. I took the liberty of having a brief conversation with Andy Boyd on the issue of whether or not the existence of a cooperative agreement with the NVPH in any way alters the basic analysis we discussed yesterday, which is that this work is being authorized as a CERCLA remedial action, and the action is exempt from the procedural or administrative requirements of ARARs under the ROD. Andy's input was that he didn't think the underlying analysis would change, but he was very careful to note: 1) there are lots of fact patterns we currently don't have access to, including the cooperative agreement itself; and 2) we don't have our own staff or counsel assigned to this; and 3) this is really the AF's attornev's problem to sort out.

Scott, Dan and I spoke a bit earlier today on next steps, and we concluded it would make sense to have a phone conversation with the AF, probably with Jacques and myself. The purpose of the call would be to outline our concerns about responding to the NVPH request for a .61(c) approval, and let the AF know that we do not feel comfortable moving forward with a response to the NVPH request until we get a response from the AF counsel responding to our concerns. Jacques - does a call like this sound like something you'd be willing to participate in?

Dave

---- Forwarded by Jacques Gusmano/R10/USE... Jacques Gusmano 09/16/2010 10:34:21 AM

Jacques Gusmano/R10/USEPA/US From: Daniel Duncan/R10/USEPA/US@EPA To: Cc: Dave Bartus/R10/USEPA/US@EPA

09/16/2010 10:34 AM Date:

Subject: Fw: Extension of PCB Storage Requirements (Port Heiden)

----- Forwarded by Jacques Gusmano/R10/USEPA/US on 09/16/2010 09:37 AM -----

"Roth, Patrick A USAF PACAF 611 CES/CEVR" <patrick.roth@elmendorf.af.mil> From:

To: Jacques Gusmano/R10/USEPA/US@EPA

Cc: "Howard, Louis R (DEC)" < louis.howard@alaska.gov>

Date: 09/16/2010 09:31 AM

RE: Extension of PCB Storage Requirements (Port Heiden) Subject:

Good Morning Jacques,

I knew this request was being worked but did not know the specific status of it.

This work is not being completed via a contractor - it is being worked via a Cooperative Agreement with the Native Village of Port Heiden (NVPH) based on the government-to-government relationship. While they have hired a contractor (Boretide) to assist them, 90+ % of the work is being handled directly with NVPH staff.

Under the government-to-government relationship, we try to turn as much control and responsibility for the project over to the tribe as we can (though the AF knows we are ultimately responsible for the project). This is why the request came from them.

Yes, the AF will ensure the site is secured. This includes both securely covering both the supersacks of PCBs and the open excavation areas as well as overall site access. Weather dependent, they plan on working until 15 Oct and I plan to be on site that week. Work will resume next spring.

I apologize if the NVPH direct communication with EPA has caused confusion. If there is anything else you would like from the AF, please let me know.

Pat

----Original Message----

From: Gusmano.Jacques@epamail.epa.gov [mailto:Gusmano.Jacques@epamail.epa.gov]

Sent: Wednesday, September 15, 2010 11:59 AM To: Roth, Patrick A USAF PACAF 611 CES/CEVR

Cc: Howard, Louis R (DEC)

Subject: Fw: Extension of PCB Storage Requirements (Port Heiden)

Pat , did you know about this request?

Region 10 is interested in why the USAF did not make this request, instead of a contractor.

Will we be getting the Report on the verification sampling soon, and does the 611th have plans to secure PCB contaminated areas, open to the public, until next years activities?

---- Forwarded by Jacques Gusmano/R10/USEPA/US on 09/15/2010 11:55 AM

From: Daniel Duncan/R10/USEPA/US

To: Scott Downey/R10/USEPA/US@EPA

Cc: Dave Bartus/R10/USEPA/US@EPA, Jacques Gusmano/R10/USEPA/US@EPA

Date: 09/15/2010 08:41 AM

Subject: Fw: Extension of PCB Storage Requirements (Port Heiden)

Scott:

I received the following request related to Port Heiden.

The Site Consultant on behalf of Port Heiden Reports: "Approximately 700, five CY super sacks of PCB waste will be transported off the Former Port Heiden RRS Site in the next few days. They'll be transported via barge/rail for disposal in Idaho. As the weather is favorable and momentum is at our backs, we're going to continue excavating material for a few more weeks. I anticipate we'll generate another ~40, five CY super sacks. I'd expect half to be above 50 ppm, half below. I've attached a draft letter requesting permission to store these ~40 super sacks onsite for the winter".

Regulatory Analysis: The USAF can store PCB Remediation waste on-site for more than 180 days if they submit a risk-based storage request under 40 CFR 761.61(c). The USAF will be submitting a 40 CFR 761.61(c) request for PCB

Storage Extension as allowed under the PCB storage regulations at 40 CFR 761.60(c)(9).

Here is their draft letter:

(See attached file: Port Heiden PCB Storage Ext.doc)

Recommendation: That the EPA review and approve this extension given the remote location of the PCB Storage at the Port Heiden Remote Radar Site (RRS). (Embedded image moved to file: pic21119.jpg)

From the Desk Of:
Daniel L. Duncan
U.S. Environmental Protection Agency - Region 10
Office of Compliance and Enforcement
1200 Sixth Avenue, Suite 900, M/S OCE-084,
Seattle, Washington 98101
(206) 553-6693 phone (206) 553-1775 FAX
duncan.daniel@epa.gov